EXPLANATION OF

19

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

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بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليله وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

Last week, we started on the negators of Wudhū', and we said we reached the author's statement,

والنواقض في الطهارة الصغرى ثمانية، الخارج من السبيلين

The author said, "There's 8 nullifiers." According to the author, there's 8 nullifiers of Wudhū'. We gave an explanation of what Nāqid is and some brief introductory points. And the author mentioned the first one as being الخارج من السبيلين (anything exiting from the two private parts). He considers that the first negator. Now, that's the author's statement الخارج من السبيلين. We gave examples and matters that fall under that negator of Wudhū'.

The first one we mentioned was defecating and urinating. The second one is passing wind. The third one we started on, but didn't finish, was Madhiy. We took some issues pertaining to it, but we didn't finish it. The last Mas'alah we took pertaining to

Madhiy was washing one's private parts from Madhiy. And now we'll start, inshā'Allāh, with washing one's clothes from Madhiy. The one we ended off with last week was the actual private parts, washing that from Madhiy. Now what if touches the clothes? And I wanted to mention that last week, but it requires some attentiveness and extra focusing.

1. Madhiy, we said, is Najis. We established that. The question is, does one have to wash the clothes where it touched, or is splashing and sprinkling the area sufficient?

    - And the first opinion on that is that it must be fully washed. Sprinkling and splashing is not sufficient, it has to be washed. That's the opinion of Hanafiyyah, Mālikiyyah, Shāfi'īyyah, and one of two opinions within the Hanbali Madhhab and the opinion that Ishāq ibn Rāhawayh chose. Their proof is the Hadīth that I said we're going to refer to frequently, that we took last week, Hadīth 'Ali in Sahīh Al-Bukhāri: When he sent Al-Miqdād,

فَأَمَرْتُ الْمِقْدَادَ بْنَ الأَسْوَدِ فَسَأَلَهُ فَقَالَ: يَغْسِلُ ذَكَرَهُ وَيَتَوَضَّأُ

'Ali رضي الله عنه was too embarrassed to ask the Messenger (ﷺ) so he sent Al-Miqdād to ask the Messenger (ﷺ), and he said "Let him wash his private parts and do Wudhū'." That's talking about the private parts, not the clothes. So why or how is it used here? That's talking about the private

parts, now we're discussing the Mas'alah of the clothes. The answer is, by Qiyās (analogy). If you wash the private parts, just like you wash the private parts, by Qiyās (by analogy), you should wash the area of clothes that Madhiy touched or reached.

- The second opinion is that you can sprinkle or splash from Madhiy, and that's the second opinion of the Hanbali Madhhab, and it was the opinion selected by Ibn Taymiyyah and Ibn Al-Qayyim رحمه الله. They said it's sufficient for you to pour or sprinkle a handful of water on the part of the clothes that you deem Madhiy reached or touched. Some Ulamā' said that Madhiy is Najis, but its Najāsah is less significant than other Najasāt (like urine). So they said it's enough to sprinkle water without having to wash or rub it. The proof for the second opinion is the second Hadīth we took last week, that I said we'll refer to it quite frequently. Hadīth Sahl bin Hunayf. He asked the same exact question. What about the Madhiy that touches my clothes?

قُلْتُ يَا رَسُولَ اللَّهِ كَيْفَ بِمَا يُصِيبُ ثَوْبِي؟ قَالَ: إِنَّمَا يَكْفِيكَ كَفٌّ مِنْ مَاءٍ تَنْضِحُ بِهِ مِنْ ثَوْبِكَ حَيْثُ تَرَى أَنَّهُ أَصَابَ

The Messenger said, "All you have to do, it's sufficient," – and the Messenger used the term تَنْضِحُ. "Sprinkle or splash a handful of water on the part of the clothes where you see it reached." The Hadīth appears to

be clear and precise on sprinkling and splashing the area where Madhiy touched.

Ar-Rājih

So why is there is dispute? And I actually believe the correct opinion is that it must be washed, not just splashed or sprinkled. Are we going against a clear statement within a Hadīth? معاذ الله.

The Hadīth specifies the term تَنْضِحُ, which generally, I say generally, refers to sprinkling and splashing in the 'Arabi language. It could also refer to washing, and here there's strong indication and proof that تَنْضِحُ بِهِ is in the context of washing, not sprinkling. Why?

First of all, if you wash Madhiy from the private parts (the flesh), as we said earlier, then it's obvious one should also wash the areas of the clothes where Madhiy reached.

Number two, Hadīth 'Ali رضي الله عنه, when he sent Al-Miqdād رضي الله عنه because he was too embarrassed. The Messenger (ﷺ) said, يَغْسِلُ ذَكَرَهُ وَيَتَوَضَّأُ. In Sahīh Muslim, it's يَغْسِلُ ذَكَرَهُ وَيَتَوَضَّأُ, "Perfom Wudhū' and wash the sexual organ, the private part." يَغْسِلُ — focus with me — wash the private part. It's explicit. In Sahīh Muslim there is another narration pertaining to this where the Messenger said:

توضأ ونضح فرجك

In that narration, the Messenger said, "Make Wudhū'" and used the term وَنَضَحَ, which means splash or sprinkle your private parts with water. وَنَضَحَ. So, as it pertains to washing the private parts, sometimes it comes clearly "Wash the private parts", and other narrations it comes with the term وَنَضَحَ which means sprinkle, but the term, as we said, may also be used to wash as well.

An-Nawawi رحمه الله تعالى said, ونضح فرجك, sprinkle here, means to wash. Doesn't mean splash and sprinkle here, it means to wash. So those Ulamā' took the narration وَنَضَحَ to mean wash. This is pertaining to the private parts, the private organ not the clothes. Stay focused with me to see how it applies to this Mas'alah as well.

In one of the Ahādīth that I mentioned in response to Tarahhum on a Kāfir, if you remember, when the Messenger (ﷺ) mentioned a prophet of Allāh who's people beat him and made him bleed, and he washed the blood from his face and rinsed it off saying, "O Allāh forgive my people, they don't know any better." The Arabic terms used in the Hadīth is:

فهو ينضح الدم عن جبينه

An-Nawawi and As-Suyūti said, in this Hadīth, ينضح , which we said originally means to splash — they said it means he was washing and rinsing the blood off.

So again, ينضح comes in the context of washing, rather than its original meaning of splashing.

Now, even pertaining to a woman's menstrual blood, the Messenger (ﷺ) used the exact same term. He referred to the area of the blood that needs to be washed with ثُمَّ لِتَنْضَحْهُ. It comes in the term of splash, but here it clearly means to wash it.

The point being, in numerous Ahādīth, the term ينضح comes to mean wash, like washing the private parts from Madhiy. Also like it was used pertaining to the Prophet who washed the blood off his face. Also like it was used to wash a woman's menstrual blood off her clothes. In washing the private parts, the Mas'alah we took last week, the term وَنضَح was used (توضأ ونضح فرجك) but the Ulamā' took it to mean wash the private parts. They didn't say to splash water on it, because one narration explains the other.

Now here, in this Mas'alah pertaining to Madhiy on the clothes, because the term for sprinkling or splashing is used, and because it comes in the context to mean wash, and they're used interchangeably in many Ahādīth in different topics as we mentioned, the term sprinkle and splash pertaining to the clothes where Madhiy was touched should be deferred to mean washing. What gives it support is what An-Nawawi said by Qiyās (analogy). Analogy to what? To other Najasāt. When Najāsah touches the clothes, you must wash the clothes. And likewise, Madhiy is classified as a Najāsah, so it must be washed. That supports deferring the term to washing. Madhiy is classified as a Najāsah, so it should be

washed like other Najasāt. What gives it even more support is what we mentioned, Qiyās on the private parts as well. Just like you need to wash the private parts, you need to wash the clothes as well. No difference.

II. The next example or matter that falls under the author's first negator of Wudhū' الخارج من السبيلين (whatever exits from the private parts) is Al-Wadiy. The Fuqahā' stated that the rulings of Madhiy apply to women, and the same here with Wadiy. In the Māliki Fiqh reference, Hāshiyah Al-'Adawi, he mentioned that some women have discharge of Wadiy after urinating, so of course the ruling applies the same.

What's Wadiy? Wadiy is defined by An-Nawawi as a thick, murky, cloudy, white, liquidy matter that resembles semen. But it's different than semen in its cloudiness and in that it has no smell. Wadiy is just discharged after urinating. Some Ulamā' mentioned that it's discharged after carrying heavy objects or during carrying heavy objects. Some said it comes before urinating sometimes as well, and some said that it only comes a few drops or so. The Ulamā' unanimously agreed that there is no Ghusl required for Madhiy or Wadiy when they're emitted.

- However, is Wadiy Najis? All four Imams say it's Najis.

- In Al-Insāf and Al-Mubdi', they stated there is a second opinion within the Hanbali Madhhab that says Wadiy is pure.

In the book, Al-Insāf, that I refer to frequently — it's called *'Al-Insāf fi Ma'rifat Ar-Rājih min Al-Khilāf'*. The author is Al-Mardāwi. We've referred to it many times. We said we'll go over some essential books every now and then. Al-Insāf is a reference book in the Hanbali Madhhab, and it's been said to contain over 3,000 Masā'il. One of our Shuyūkh told us it contains over 3,000 Masā'il. The edition we have here is the old version, it comes in 12 volumes. I'm sure there's different versions now. In that book, the author mentions the opinions of the Hanbali Madhhab within that Madhhab and the selected one. That's why it's called Ma'rifat Ar-Rājih (knowing the Rājih). We said Hanābilah have a lot of opinions within the Madhhab on the same matter — we mentioned that before — just like other Madhāhib do, but more so in the Hanbali Madhhab, and we stated why. He mentions the opinion within that Madhhab, and he selects one, usually. There's probably no better reference book that details the various opinions within the Hanbali Madhhab than this one. In his honor, he was dubbed Al-Murajih, which means 'The Selector of the Opinions', because of this book, Al-Insāf. And he also helped revive the Hanbali Madhhab, he did a lot of work on it, and he wrote among the best books in the Hanbali Madhhab. Some Ulamā' said what Al-Mardāwi did was much bigger and more encompassing than most of the previous work on the Hanbali Madhhab. To the point that some said (to show its importance) that if you have this book, you don't really need any other Hanbali reference.

The book gets even more valuable knowing it's compiled from tens of references. One of my Shuyūkh, I remember, said it was from over 130

references. And many of those references that he compiled from don't even exist today. They either vanished over the years, over the centuries, or they're unpublished manuscripts. He died around 885 after the Hijrah, which means that's approximately 5 and a half centuries ago, and his book has been a reference, or a top reference in the Hanbali Madhhab since then.

I remember a statement that stood out in the conclusion of his book, he requested that anyone who uses his book and researches within it to make Du'ā that Allāh سبحانه وتعالى forgives him and pardons him, because he's basically saying, I saved you a lot of time. Not the exact terms, but he's saying, I saved you a lot of research and time in finding the Masā'il and the opinions within the Hanbali Madhhab, so make Du'ā of Maghfirah and 'Afw for me. And we say may Allāh سبحانه وتعالى forgive him and pardon him, because we truly benefitted from that book.

An important, overall lesson from that book is that when you do something, in general, perfect it. Moreso, more importantly and especially, when it's for Allāh سبحانه وتعالى and Da'wah like this. You can see in this book, and in his other books, he clearly exerted his effort and put his heart into compiling it, and as a result, it's among the best, if not the best book in the Hanbali Madhhab within the past five centuries. And more importantly, it's to please Allāh سبحانه وتعالى, and one must ask Ikhlās in doing such work.

I learned the value of that book from my Shaykh, Shaykh Bakr Abu Zayd, when he mentioned it, and he mentioned it frequently. And he said, "Ulamā' kept revising Masā'il of the Hanbali Madhhab, and choosing and selecting the Rājih, but if you want the best compilation, then get the seal of the Hanbali reference books on this matter", and he referred to Al-Insāf. And that was the same day that I went out and purchased my copy.

In al-Insāf and in Al-Mubdi', they mention an opinion within the Hanbali Madhhab that says that Wadiy is pure. Al-Mubdi' is another Hanbali reference book written by Ibn Muflih, which is an elucidation or an explanation of Ibn Qudāmah's Al-Muqni'. The ones who hold this opinion that Wadiy is pure say there is no clear proof in the Qur'ān and Sunnah that Wadiy is Najis. So it remains on the original status that it's pure. They also added it's not enough for you to allege it's Najis because it shares the same exit of urine, which is a true fact, because sharing the same exit doesn't mean they share the same Hukm. Because Maniy (semen) comes out from the same exit, but it's pure.

Ar-Rājih

Al-Mardāwi said, (we said he's labelled as Al-Murajih, the selector of the opinions in the Hanbali madhhab), he said the correct selected opinion within the Hanbali Madhhab is that Wadiy is Najis. Proof for it being Najis is the Athar we mentioned last week, in Al-Musannaf Ibn Abi Shaybah, Ibn 'Abbās said,

وأما المذي والودي ففيهما الوضوء، ويغسل ذكره

Ibn ‘Abbās said, “As it pertains to Madhiy and Wadiy, you make Wudhū’ and wash the private parts.” That’s an authentic Athar attributed to Ibn ‘Abbās. There is also an Ijma’ — some Ulamā’ refer to it as Ijma’ — that Wadiy is Najis. Some say there is Ijma’ that it’s like urine, some say there’s Ijma’ that one must purify himself from it, which all end up really almost meaning the same. And among those who related the Ijma’ on this matter is a lot of Ulamā’ — Ibn 'Abd Al-Barr, Al-Baghawi, Al-Hattab from the Mālikiyyah, from the Shāfi’īyyah its mentioned in Al-Muhadhab. An-Nawawi in Al-Majmū’ also mentioned it. Ibn Qudāmah in Al-Kāfi related the Ijmā’. Al-Khurashi, also from the Mālikiyyah, related the Ijmā’ — and his name is Al-Khurashi or Al-Kharāshi or Al-Khirashi, and some say Al-Kharashi (with the Fatha on the خ and the ر). He was a Māliki Imām from Egypt, who died about 300 years ago. From the Hanafiyyah it’s mentioned (the Ijmā’ is mentioned) in Al-Fatāwa Al-Hindiyyah. Also from the Hanafiyyah who mentioned it is Ash-Shurumbulāli.

The Najāsah of Wadiy is also proven by Qiyās. Wadiy takes the ruling of urine by analogy. An-Nawawi said, “It’s usually emitted after urine so it takes the ruling of urine.” Ibn Qudāmah رحمه الله تعالى said, “The ruling on Wadiy is identical to the ruling on urine, because they have same exit”, Which we said is not really a factor to go by, but he said that they are very similar, and that is true.

III. How to purify from Wadiy? It must be washed just like urine, and we related some Ulamā’ said the Ijmā’ on that. Some Hanafiyyah, however, and some

Shāfi'īyyah said if it's very small amount, its tolerable. Some Shāfi'īyyah said that a small amount is something that eyesight can't see. Hanafiyyah had a slightly different standard. The majority and the correct opinion is that there's no tolerable room for any minimal amount of Wadiy. It must be washed. Ibn Muflih mentioned it and Al-Hajjāwi mentioned it. They both emphasized that there is nothing of Wadiy that is tolerable, no matter how tiny or small it is. Ibn Muflih said,

لا يعفى عنه مطلقاً

IV. The next matter that falls under الخارج من السبيلين (what exits from the private parts) is دم الاستحاضة (the bleeding from other than menstruation). And what we're going to take is whether it voids the Wudhū', because what we're going over is matters that negate the Wudhū'. We're going to go over, inshā'Allāh, whether it negates the Wudhū' or not, as in the popular opinion that is trending, that a woman who has Istihādhah has to do Wudhū' for every single Salāh.

Next week we'll start, بإذن الله تعالى, on that Mas'alah.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم